

#### Members

Sen. Connie Lawson, Chairperson  
Sen. Vi Simpson  
Rep. Charlie Brown  
Rep. Cindy Noe  
Amy Cook-Lurvey  
Richard Culver  
David M. Giles, M.D.  
Galen Goode  
Gloria Kardee  
Bryan Lett  
Dr. Loretta Kroin  
Donna Lisa Gibson  
Abigail Flynn  
Elaine Doss  
Dennis Jones



# INDIANA COMMISSION ON MENTAL HEALTH

*Legislative Services Agency*  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Tel: (317) 233-0696 Fax: (317) 232-2554

#### LSA Staff:

Susan Kennell, Attorney for the Commission  
Kathy Norris, Fiscal Analyst for the Commission

Authority: P.L. 243-2003

## MEETING MINUTES<sup>1</sup>

Meeting Date: October 16, 2003  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 130  
Meeting City: Indianapolis, Indiana  
Meeting Number: 4

**Members Present:** Sen. Connie Lawson, Chairperson; Sen. Vi Simpson; Rep. Charlie Brown; Amy Cook-Lurvey; Richard Culver; Galen Goode; Dr. Loretta Kroin; Donna Lisa Gibson; Abigail Flynn; Elaine Doss.

**Members Absent:** Rep. Cindy Noe; David M. Giles, M.D.; Gloria Kardee; Bryan Lett; Dennis Jones.

### 1. Call to Order

Senator Connie Lawson, Chair, called the meeting to order at 10:05 A.M.

### 2. Discussion of Attention Deficit Hyperactivity Disorder (ADHD)

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

**Julie Newland, Parent:** Ms. Newland testified on her own behalf concerning a parent's perspective in getting help for a child diagnosed with attention deficit hyperactivity disorder.

Ms. Newland shared with the Commission her experiences in raising a child with ADHD and submitted her testimony in writing. (See Exhibit A). Ms. Newland made the following points: (1) it is important to have an accurate and timely diagnosis for the effective treatment of ADHD; (2) parents must access quality information on ADHD; and (3) parents must communicate and work closely with doctors, teachers, family members, and friends.

Responding to a question from the Commission regarding how she found service providers for her child, Ms. Newland stated that she worked with a child psychologist.

### **3. Discussion of incompetent to stand trial legislation**

**Ms. Suzanne Clifford, Division of Mental Health and Addiction:** Ms. Clifford testified on proposed legislation concerning people who may be incompetent to stand trial. She shared with the Commission the process for psychiatric evaluation of a person deemed incompetent to stand trial. Ms. Clifford emphasized the problems of security, patient and staff safety, and proper staffing to handle these evaluations that are now mandated to take place in a state psychiatric hospital. She testified that this proposed legislation is focused on safety and would allow the evaluation to take place in an area designated as the least restrictive and best to meet the needs of the defendant. Ms. Clifford explained that this would be a joint decision between the Court, the Department of Corrections, and the Division of Mental Health and Addiction.

When asked who provides restoration services, Ms. Clifford responded that the services are provided in hospitals and that the Division is in the process of building a team that will go out into the community to provide restoration services. The Division and the Department of Correction will enter into a Memorandum of Understanding concerning the process to be used in determining whether a person should be transferred.

Ms. Clifford stated that the Division of Mental Health and Addiction will provide services to an eligible person who does not have a sentencing order or if the sentencing order has expired.

The Commission discussed the following issues with Ms. Clifford:

- Where the designated facility would be
- Funding for the facilities
- Issues with pre-conviction people who are still a serious risk

### **4. Discussion of Forensic Diversion Budget Language of the Department of Correction**

**A. Senator Vi Simpson:** Senator Simpson gave a brief explanation of the budget language concerning forensic diversion programs. (See Exhibit B).

**B. Catherine O'Connor, Office of the Governor, Executive Assistant for Public Safety:** Ms. O'Connor testified that the DOC and FSSA have worked to find good language and she reiterated the commitment of the DOC to work on the forensic diversion program with the DOC's limited resources. Ms. O'Connor then introduced Mr. Ohlemiller to further comment on this issue.

**C. Robert Ohlemiller, Deputy Commissioner, Department of Correction:** Mr. Ohlemiller submitted his testimony in written form. (See Exhibit C). Mr. Ohlemiller acknowledged that the DOC has not yet required community corrections advisory boards to develop a forensic diversion program plan as required in the budget last year. However, the DOC has informed the boards of

this requirement. Mr. Ohlemiller commented that there is a funding shortage and that various groups have complained that the budget language contains conflicting language. Mr. Ohlemiller could not tell the Commission specifically what language is in dispute or how much money would be needed to establish a forensic diversion program. The Commission discussed establishing a deadline to implement the program.

Representative Charlie Brown asked that the Chair and staff contact the prosecutors and judges associations to have representatives testify on this issue at the next meeting.

The Chair also asked that Mr. Ohlemiller have a cost analysis for the program ready to distribute for the October 27th meeting.

## **5. Psychiatric Advance Directives (PADs)**

**Scott Cleveland, Mental Health Association:** Mr. Cleveland submitted an informational sheet regarding PADs to the Commission (See Exhibit D). Mr. Cleveland presented the Commission with examples of how people with recurring mental illnesses know the treatment that works best for them. He explained that PADs are formal documents that allow people with capacity to communicate the treatments that work best for them to others.

The Chair stated that the Commission would vote on a preliminary draft concerning PADs at the next meeting.

## **6. Relinquishment of Parental Rights**

**A. Cathy Duchovic, Children's Committee:** Ms. Duchovic submitted her testimony in written form. (See Exhibit E). Ms. Duchovic is a parent of a child with dual diagnoses of bipolar disorder and substance abuse. Ms. Duchovic stressed the importance of proper diagnosis and access to mental health services, stating that there is not a single point of entry system for a child suffering from a mental illness. One avenue that parents pursue in order to get access to mental health services for their child is by entering into the juvenile justice system. Because no intensive community-based mental health programs were available, Ms. Duchovic agreed to file for a CHINS-6 status (Child in Need of Services- In Danger to Self or Others), despite how devastating this course of action was to her. She did not have to relinquish parental rights, but custody of her child was transferred to the biological father who had not been involved in the child's life for several years. Ms. Duchovic stated that she feels that her parental rights have been violated procedurally and that her emotions have been disregarded.

**B. Amy Cook-Lurvey:** Ms. Cook-Lurvey explained that the Commission had in previous years worked on the relinquishment of parental rights issue and summarized the history of the Commission's work on the subject. As a result of this previous work, the Division of Family and Children created a "Voluntary Placement Agreement Form". (See Exhibit F). The Form indicated the Division of Family and Children's intent to work with families of children with mental illnesses and stated that the Division would not initiate a court proceeding to terminate parental rights or to transfer legal custody of the child as long as the child did not meet the statutory definition of CHINS. However, the Division has not been using the form.

**C. Jane Bisbee, Division of Family and Children:** Ms. Bisbee agreed that the Division was not using the agreement form discussed by Ms. Cook-Lurvey. Ms. Bisbee stated that FSSA's legal office does not feel that the form contains all of the legal elements needed but could not elaborate on this point.

Representative Brown made a motion that the Commission send a letter to the Secretary of the

FSSA requesting the status of the Voluntary Placement Agreement Form and requesting an explanation on this issue by the next meeting. The motion was seconded and adopted by voice vote.

**D. Others: Bill Glick, Executive Director of the Juvenile Justice Task Force:** Mr. Glick rose to support the agreement discussed by Ms. Cook Lurvey. Mr. Glick shared the results of a survey of local detention centers and their cooperation with county officials and agencies.

### **7. Discussion of Increase in Alcohol Tax**

**A. Carla Gas-Clark, Indiana Addictions Issues Coalition:** Ms. Gas-Clark spoke concerning the fiscal impact of increasing the alcohol tax by fifty percent. Ms. Gas-Clark stated that there has not been an increase in the alcohol tax since 1981 and that this increase would generate approximately twenty million dollars. Ms. Gas-Clark further commented that the tax would also save the state money by reducing the number of addicted persons for which the state would have to provide services. Ms Gas-Clark then highlighted the materials she distributed to the Commission. (See Exhibit G).

Representative Brown made a motion that staff draft legislation increasing the alcohol tax for the Commission's review at the next meeting. The motion was seconded and adopted by voice vote.

Information was also distributed to Commission members regarding alcohol taxes. (See Exhibit H).

### **8. Next meeting date and Adjournment**

The Chair set the next meeting date for October 27, 2003, at 10:00 A.M.

The Commission adjourned at 1:05 P.M.